

UNSAFE STRUCTURES BOARD HEARING MINUTES OF December 11th, 2013

Members Present: James Cueva, Chairman
Benjamin S. Essien
Carlos Naumann

Kevin Deeb, VC
Ramon Arronte
Jose Escandell

Carlos Naumann
James Starkweather

Excused Absent: Emile Amedee
Aymara D. Riley

Gordon Loader
Robert Sweeney

Abel Ramirez

Staff: Kathy Charles, Acting Clerk of the Board
Latisha Byrd, Board Recording Secretary
Christopher Angell, Asst. County Attorney

Court Reporter: Janice Aguirre, Miami-Dade County Court Reporters, Inc.

The regular meeting of the **UNSAFE STRUCTURES BOARD** was called to order at 2:03 P.M. on Wednesday, December 11th, 2013, on the 2nd Floor, Conference Room I & J, of the Herbert Saffir Permitting & Inspection Center, Department of Regulatory & Economic Resources located at 11805 SW 26th Street, Miami, Florida, 33175.

Mr. James Cueva requested a motion to approve and accept the minutes of the November 13th, 2013, 2013 Unsafe Structures Board Meeting. Mr. Starkweather moved to accept the minutes of the board meeting. Mr. Deeb seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts)

Ms. Kathy Charles then announced the following Unincorporated Miami Dade County cases that were **agreements with the Building Official/Inspector**:

Unincorporated Miami Dade County:

DC20090126483U	14250 SW 136 Street, #14
DC20110147868U	1101 SW 122 Avenue
DC20120155513U	6900 SW 122 Avenue
DC20130157794U	10505 SW 186 Street
DCF2006106347U	2170 NW 76 Street, #1
DCF2009109601U	8305 SW 72 Avenue, #1
DCF2011111573U	2501 SW 67 Avenue, #1
DCF2012112721U	3067 NW 54 Street, #1
DCF2012113068U	9869 SW 88 Street, #1
DCF2012113233U	17800 SW 107 Avenue, #17
G20130158602U	9010 SW 125 Avenue, #G104

Ms. Charles announced that the following Unincorporated Miami Dade County, City of Miami Beach City of Florida City and City of Opa Locka cases that were **No Contest/No Show for the Building Official** recommendation:

Unincorporated Miami Dade County:

DC20130157982U	7535 SW 88 Street
DCF2012112355U	11400 NW 32 Avenue, #1
DCF2012112370U	10915 NW 14 Avenue, #1
DCF2012112707U	2301 NW 54 Street, #1
DCF2012113236U	17501 SW 99 Road, #1

City of Miami Beach:

BV13000968	630 Alton Road
BV13001063	6949 Bay Drive

City of Florida City:

FC13-585	1438 NW 8 Avenue
FC13-586	539 NW 14 Street
FC13-592	1278 NW 9 Avenue

City of Opa Locka

OPA2013-0001	1261 Sharar Avenue
OPA2013-0002	3157 NW 132 Terrace
OPA2013-0003	2121 Rutland Street
OPA2013-0004	2110 Washington Avenue
OPA2013-0006	2090 Ali Baba Avenue
OPA2013-0007	2061 Wilmington Street
OPA2013-0008	1325 Jann Avenue
OPA2013-0009	1790 Washington Avenue
OPA2013-0010	1851 Wilmington Street
OPA2013-0012	1960 Rutland Street
OPA2013-0013	1890 Ali Baba Avenue

Ms. Charles announced that the following Unincorporated Miami Dade County cases that were **Deferred/Withdrawn by the Building Official:**

Unincorporated Miami Dade County:

DCF2012112388U	190 NE 119 Street, #1
DCF2012112810U	1101 NW 57 Avenue, #1
DCF2012113177U	12895 SW 87 Avenue, #1
DCF2012113298U	18375 SW 260 Street, #3
G20130157957U	14101 SW 66 Street, #A3
DCF2007107425U	14090 SW 127 Street, #10
DCF2007107426U	14090 SW 127 Street, #11

The cases and photographs were submitted to the Board for review and were called into the record by Ms. Charles.

After the Board reviewed each case file, Mr. Cueva requested a motion to consolidate the withdrawals, agreed and uncontested cases and uphold the decisions of the Building Official. Mr. Starkweather moved to accept the withdrawals, agreed and uncontested cases as called by Ms. Charles. Mr. Naumann seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts)

Mr. Cueva then informed those appellants who were able to come to an amicable agreement with the Building Official that the Board had ratified the agreements and they were free to leave.

Heard Cases

The Building Officials and Appellants being heard by the Unsafe Structures Board were sworn in at 1:34 P.M. by the court reporter.

Ms. Charles then called forth the first case to be heard from the Unincorporated Miami Dade County, Unsafe Structures Unit.

Unincorporated Miami Dade County:

DC20110147868U	1101 SW 122 Avenue
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Mr. Monte Lee informed the Board that the above-mentioned case is brought before the Board because the Department's presentation of Property Owner's request for an extension of time to comply with the Board Order dated November 14th, 2012. He informed the Board that the Property Owner has failed to meet the time periods set forth in said Order and seeks

additional time to complete the necessary work. Mr. Lee further explained to the Board that the Unsafe Structures Board can ratify the extension of time on the agreement with property owner and the Miami-Dade County Building Department to provide additional time to complete the work on a non-compliant case. He furthered informed the Board that an agreement between Miami-Dade County and Property Owner to provide additional time to resolve a non-compliant case providing one hundred eighty (180) days complete all the repairs.

After some discussion, Mr. James Starkweather moved to ratify an agreement between Miami-Dade County and Property Owner to provide additional time to resolve a non-compliant case by providing one hundred twenty (120) days to obtain the permit and one hundred eighty (180) days from today to complete the repairs. Mr. Carlos Naumann seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts).

Ms. Charles then called forth the second case to be heard from the Unincorporated Miami Dade County, Unsafe Structures Unit.

Unincorporated Miami Dade County:

DCF2009109601U 3305 SW 72 Avenue, #1

Mr. Monte Lee informed the Board that the above-mentioned case is brought before the Board because the Department's presentation of Property Owner's request for an extension of time to comply with the Board Order dated January 18th, 2012. He informed the Board that the Property Owner has failed to meet the time periods set forth in said Order and seeks additional time to complete the necessary work. Mr. Lee further explained to the Board that the Unsafe Structures Board can ratify the extension of time on the agreement with property owner and the Miami-Dade County Building Department to provide additional time to complete the work on a non-compliant case. He furthered informed the Board that an agreement between Miami-Dade County and Property Owner to provide additional time to resolve a non-compliant case providing ninety (90) days to obtain the permit and to complete the repairs within one hundred eighty (180) days after obtaining the permit.

After some discussion, Mr. James Starkweather moved to ratify an agreement between Miami-Dade County and Property Owner to provide additional time to resolve a non-compliant case by providing ninety (90) days to complete all the repairs. Mr. Carlos Naumann seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts).

Ms. Charles then called forth the third case to be heard from the City of Miami Beach, Unsafe Structures Unit.

City of Miami Beach:

BV13000950 3621 Collins Avenue

Ms. Rhonda Montoya-Hasan informed the Board that the above-mentioned case is brought before the Board because the property had been in violation since 2005. She also informed the Board that a 40 year recertification needs to be submitted to bring the property up to code. Ms. Montoya-Hasan then informed the Board that the property is occupied with the exception of 2 floors and the elevator does not work. She also informed the Board of the City's recommendation, but the City is willing to work with them in allowing additional time to comply.

Mr. James Cueva clarified the violation on all structures.

Mr. Adrian Avalos informed the Board that a report must be submitted to the City in order to obtain a permit. He then explained to the Board that the City will demolish the property if no action is taken.

Mr. James Starkweather, Member, inquired about the timeframes it will take to complete all repairs.

Mr. Avalos replied that it can take up to a year to complete the work.

Mr. John Sanchez, Secretary of Board Association, informed the Board that they are working diligently to bring the property up to code. He then informed the Board that the Engineer will be performing a test on the property to submit the plans to the City. Mr. Sanchez also informed the Board that a working progress report had been submitted to the City every 30 days. He then explained to the Board that the majority of the work had been completed and then requested for additional time to bring property up to code.

Mr. Yorsef Hasan, Engineer, informed the Board that a report can be submitted within 60 days. He then informed the Board that a delay occurred in the past due to monetary issues. Mr. Hasan then explained to the Board that the work can be done in a year, but requested for additional time to be on the safe side.

Mr. Starkweather asked how many floors are vacant and are the Owners paying association fees.

Mr. Sanchez replied that the people lost their units due to not paying association fees and a civil litigation is in effect at this current time.

Mr. Starkweather asked if any work been done without a permit.

Mr. Sanchez replied "no".

Mr. Essien asked if there are any major issues that the 2 floors do not work.

Mr. Sanchez informed the Board that they have signed a contract with a company to repair the elevator.

Mr. Naumann, Member, inquired if there were any historic significance to this property.

Ms. Montoya-Hasan, replied "no". She further reiterated that the City would like to see some work done and the property be brought up to code.

After some discussion, Mr. James Starkweather made a motion that the elevator and electrical permit shall be obtained within thirty-(30) days from today. The permit for structural repairs shall be obtained within sixty-(60) days from today. The structure shall be completed within three hundred and sixty-(360) days after obtaining the permit. A status report shall be submitted to the City of Miami Beach, Building Department every thirty-(30) days until compliance is obtained or to satisfaction of Building Official. If any of the above conditions are not complied with, said structure shall be demolished by the enforcing municipality. Mr. Carlos Naumann seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts).

Ms. Charles then called forth the fourth case to be heard from the City of Opa Locka, Unsafe Structures Unit.

City of Opa Locka:

OPA2013-0014

3030 NW 134 Street

Mr. Arshad Viqar, City of Opa Locka Representative, informed the Board that the above-mentioned case is brought before the Board because the property has been abandoned for many years. He explained to the Board the damages for each structure on the property. Mr. Viqar enlightened the Board that the City received numerous complaints from the neighbors in the Community in reference to the property that's deemed unsafe. He then enlightened the Board that the property had not been maintained secured in a presentable view. Mr. Viqar also informed the Board that the City had no form of communication with the property owner, but the City is willing to work with them to allow additional time to comply.

Mr. Aseley Avrilien, Property Owner, informed the Board that it had been hard for him to comply due to financial hardship. He further informed the Board that it has been hard to handle business with the City due to no availability from the City. Mr. Avrilien explained to the Board that the property is in process of a short sale. He then informed the Board that the buyer will complete the work on the property to bring up to code. Mr. Avrilien then requested that the Board allow the buyer additional time to complete the work to bring it up to code.

Mr. Starkweather explained to Mr. Avrilien what the Board does and stated that the Board can only grant additional time to comply. He then asked if the property is secured.

Mr. Avrilien replied "yes". He then asked if he needed to obtain a permit to replace the window. Mr. Avrilien informed the Board that he had Section 8 tenants that recently moved out and there had been break-ins, which is why he must replace the windows and secure the property until it is sold.

After some discussion, Mr. Benjamin Essien moved that Said structure is to be secured within five (5) working days. The following securing method is approved: (Windows). Said structure is to be maintained secure, clean and sanitary, free of debris, overgrown grass or weeds and free of discoloration of graffiti. Any repairs required by the Building Official as a prerequisite for the 40-year recertification of the structure(s) shall be subject to the following: An application for building and/or electrical permit must be submitted to the City of Opa Locka, Building Departments within ninety (90) days from today's date. The department's Unsafe Structures Unit must first review the application for permit. The application for permit must include, as part of the permit documents copies of the engineer's or architect's 40 year recertification report. The permit must be obtained within ninety (90) days from today's date and the required repairs must be completed inclusive of a final inspection approval on the permit within ninety (90) days from today's date. Upon completion of all required repairs, a revised engineer's or architect's 40 year recertification report shall be submitted to the City of Opa Locka, Building Department, Building Department indicating that the structure, as repaired, can be recertified. If any of the above orders are not complied with, said structure(s) shall be demolished by the City of Opa Locka, Building Department as soon as possible. Except as otherwise specified above, the timeframes to comply will commence from the date of the hearing at which the Unsafe Structure Board issued this Order. The Property Owner also agrees to allow staff of the City of Opa Locka, Building Department access to their property for the purpose of performing compliance inspections while this case remains active. Mr. James Starkweather seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts).

Board Discussion: 2014 Board Meeting Dates

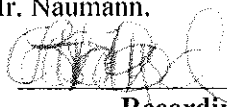
The Board acknowledged and accepted the Board meeting dates for 2014 with a revision made for recess in August as motioned by Mr. Starkweather. Mr. Cueva seconded the motion.

Motion passed unanimously.

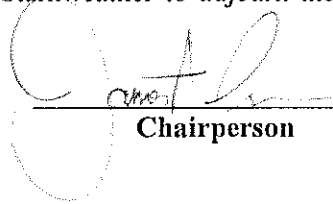
(For a verbatim version, please refer to the transcripts).

There being no further business, a motion was made by Mr. James Starkweather to adjourn the meeting at 3:00 P.M. and seconded by Mr. Naumann.

Prepared by:



Recording Secretary



Chairperson

Date:

15 January 2014